

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

|                                |   |                               |
|--------------------------------|---|-------------------------------|
| <b>DONGPING LI et al.,</b>     | ) |                               |
| Plaintiffs,                    | ) |                               |
|                                | ) |                               |
| <b>v</b>                       | ) | Case No. <b>1:23-cv-15485</b> |
|                                | ) |                               |
| <b>CITY OF CHICAGO et al.,</b> | ) |                               |
| Defendants.                    | ) |                               |

**MOTION TO VACATE FILING OF COMPLAINT AND REIMBURSE FILING FEE**

**NOW COMES, PLAINTIFFS, DONGPING LI et al.,** by and with and through their **ATTORNEY**, Frank Avila and hereby files this **Motion to vacate the filing of this Complaint and Reimburse the Filing Fee**. In support of this Motion, the Plaintiff states as follows:

1. This case was supposed to be filed in the Circuit Court of Cook County Chancery Division.
2. This case was captioned with the Circuit Court of Cook County Chancery Division.
3. Attorney Frank Avila was in the hospital in the middle of October and had a sick daughter that he was taking care of and then he got sick with bronchitis and flu like symptoms, and was only in part time the last 2 weeks.
4. Attorney Frank Avila prepared this Complaint and relied on an assistant to file this Complaint while he was away from the office.
5. This case was mistakenly filed in the US Federal District Court for the Northern District of Illinois, Eastern Division. This was done in error.
6. The Assistant and Attorney Frank Avila called the Clerk of the Northern District of Illinois and the staff of the Judge to rectify the situation. They were informed they had to file a Motion before the assigned Judge.
7. The case was subsequently filed properly in the Circuit Court of Cook County Chancery Division.
8. This was an error and mistake and not done intentionally and Attorney Frank Avila apologizes for the mistake which he takes responsibility for.
9. The fee was taken out and Attorney Frank Avila was double billed for the filing fee since it was filed incorrectly in this court and then correctly in the proper court.

**WHEREFORE, PLAINTIFFS**, for the reasons stated above, respectfully pray for the following relief from this Honorable Court: 1) This case be Vacated and deleted, and deemed as if it was never filed. 2) The fee be reimbursed to the PACER account of Attorney Frank Avila. 3) Any other relief this Honorable Court deems just and necessary.

Respectfully Motioned,

By: *Signature of Attorney Frank Avila*  
Frank Avila

**Frank Avila**  
*Attorney and Counselor at Law*  
Attorney for the Plaintiffs **DONGPING LI et al.**  
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